

1352

BK 1064 PG 0977

Tax Map Identification Numbers  
For All Parcels Affected by This  
This Order Are Shown On  
Exhibit A1 Page 6  
Attached To And a Part Of

VIRGINIA:

BEFORE THE VIRGINIA GAS AND OIL BOARD

4666

IN RE:

SUPPLEMENTAL ORDER REGARDING DOCKET NUMBER – VACATE ORDER  
VGOB 08-0115-2119

ELECTIONS: UNIT TA-38  
(herein “Subject Drilling Unit”)

REPORT OF BOARD

FINDINGS AND ORDER

This Supplemental Order is entered by the Board *sua sponte* in the form authorized by the Board at hearings held on February 15, 1994 and June 16, 1992; and this Supplemental Order is being recorded for the purpose of supplementing the Order previously in the captioned matter on March 20, 2008 which was recorded at Deed Book 1025, Page 510 in the Office of the Clerk of the Circuit Court of Tazewell County, Virginia, on April 2, 2008, (herein “Board Order”) and completing the record regarding elections.

Findings: The Board finds that:

The Board Order directed CNX GAS COMPANY LLC (herein “Designated Operator”) to mail copies of the Board Order to all Respondents whose interests, if any, were pooled by the said Board Order;

The Designated Operator filed its affidavit of elections disclosing that it had mailed a true and correct copy of the Board’s Order to all Respondents whose interests, if any, were pooled by said Board Order;

The Board Order required each Respondent whose interests, if any, were pooled by the terms of said Board Order to make an election within thirty (30) days after the date of mailing or recording, as applicable, of said Order; the affidavit of elections filed herein and annexed hereto as Exhibit A states: (i) whether each Respondent has made or failed to make a timely election; (ii) the nature of any election(s) made; and (iii) whether, by reason of a failure to elect or to timely elect one or more Respondents are deemed, under the terms of the Board’s Order, to have leased all their rights, title, interests, estates and claims in Subject Drilling Unit to the Applicant;

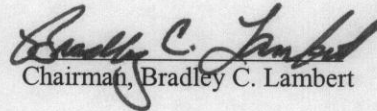
That the affidavit of elections annexed hereto with the Exhibits submitted therewith identifies the Respondent(s) making a timely election, if any; identifies the Respondent(s), if any, who are deemed to have leased; identifies the conflicting interests and claims which require escrow; identifies the interests and claims, if any, requiring escrow under Virginia Code section 45.1-361.21.D.; and identifies the Respondents, if any, who may be dismissed by reason of having leased or entered into a voluntary agreement with the Applicant.

The affidavit of elections indicates whether or not the escrow of funds is required with regard to Unit TA-38;

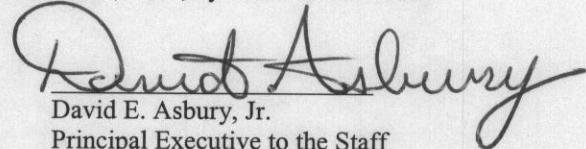
Order: By this Order, the Board orders that its prior pooling order entered herein be vacated for the reason that all owners and claimants to CBM in the Unit have agreed with the Applicant to develop same and that any and all funds escrowed with the Board’s escrow agent be disbursed to the Board’s Designated Operator to pay or suspend as the terms of the agreements by and between the Applicant and the owners and claimants may require and allow.

Mailing of Order and Filing of Affidavit: The Designated Operator under the captioned Order or shall file an affidavit with the Secretary of the Board within ten (10) days after the date of receipt of this Order stating that a true and correct copy of this Order was mailed to each Respondent whose interests or claims are subject to escrow and whose address is known within seven (7) days from the date of receipt of this Order.

DONE AND EXECUTED this 8<sup>th</sup> day of October, 2009, by a majority of the Virginia Gas and Oil Board.

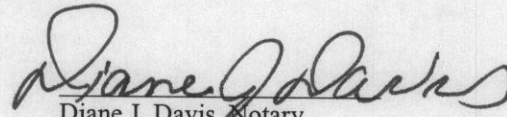
  
Chairman, Bradley C. Lambert

DONE AND PERFORMED THIS 8<sup>th</sup> day of October, 2009, by Order of the Board.

  
David E. Asbury, Jr.  
Principal Executive to the Staff  
Virginia Gas and Oil Board

STATE OF VIRGINIA  
COUNTY OF RUSSELL

Acknowledged on this 8<sup>th</sup> day of October, 2009, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is Chairman of the Virginia Gas and Oil Board, and appeared David E. Asbury, Jr. being duly sworn did depose and say that he is Acting Principal Executive to the Staff of the Virginia Gas and Oil Board that they executed the same and were authorized to do so.

  
Diane J. Davis, Notary  
174394

My commission expires: September 30, 2013





VIRGINIA:

Exhibit A

BEFORE THE VIRGINIA GAS AND OIL BOARD

IN RE:

Application of CNX Gas Company LLC for Forced Pooling of Interests in CBM TA-38  
VGOB 08-0115-2119 in the Maiden Springs Magisterial District of Tazewell County, Virginia

AFFIDAVIT OF CNX GAS COMPANY LLC (herein "Designated Operator") REGARDING ELECTIONS,  
ESCROW AND SUPPLEMENTAL ORDER

Anita D. Duty, being first duly sworn on oath, deposes and says:

That your affiant is employed by CNX Gas Company LLC, as a Pooling Supervisor and is duly authorized to make this affidavit on behalf of CNX GAS COMPANY LLC, the designated operator,

That the Order entered on March 20, 2008, by the Virginia Gas and Oil Board (hereinafter "Board") regarding the captioned CBM Unit required the Applicant to mail a true and correct copy of said Order to each person pooled by the Order;

That within seven (7) days of receipt of an executed copy of the Order referred to at paragraph 2. above, your affiant caused a true and correct copy of said Order to be mailed via the United States Postal Service to each Respondent named in the captioned Application, whose address was known, and to all persons, if any, who were added as Respondents at the hearing held in the captioned matter; that proof of such mailing has previously been tendered to the Division of Gas and Oil, the Office of the Gas and Oil Inspector, at Abingdon, Virginia;

That the Order of the Board in the captioned matter required all persons pooled thereby to tender their written elections to the Unit Operator within thirty (30) days of the date the Order was recorded in the counties identified above; that said Order was recorded on April 2, 2008;

That the designated operator CNX GAS COMPANY LLC has established procedures to review all mail received and all written documents received other than by mail to ascertain whether parties whose interests have been pooled have made a written election, in a timely fashion, as required by the captioned Order; that said procedures were followed to identify the elections, if any, made with regard to the Subject Unit; that the following persons delivered, by mail or otherwise, written elections the Unit Operator, within the thirty day elections period:

None

That all of the Respondents identified in Exhibit B-3 hereto have entered into voluntary agreements whereby they have leased and/or otherwise agreed with Applicant to a plan to develop their interests and claims within the unit to CBM. Hence, said unit may be voluntarily pooled.

See attached Exhibit B-2 and B-3 (Unit is 100% under Lease and/or Agreement).

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That in light of the Agreement(s) described above, it is no longer necessary for the Board to maintain an escrow account/sub accounts pertaining to the above referenced CBM Unit, if applicable.

That pursuant to the provisions of VAC 25-160-70.A.10. and C. and VAC 25-160-80 the annexed supplemental order sets forth the interests and claims that require escrow of funds pursuant to Virginia Code sections 45.1-361.21.D. and 45.1-361.22.A.3. and 4.

Dated at Bluefield, West Virginia, this 1<sup>st</sup> day of July, 2009.

Anita D. Duty  
Anita D. Duty

STATE OF WEST VIRGINIA  
COUNTY OF MERCER

Taken, subscribed and sworn to before me by Anita D. Duty as a Pooling Supervisor for CNX Gas Company LLC, on behalf of the corporate Designated Operator, this 1<sup>st</sup> day of July, 2009.

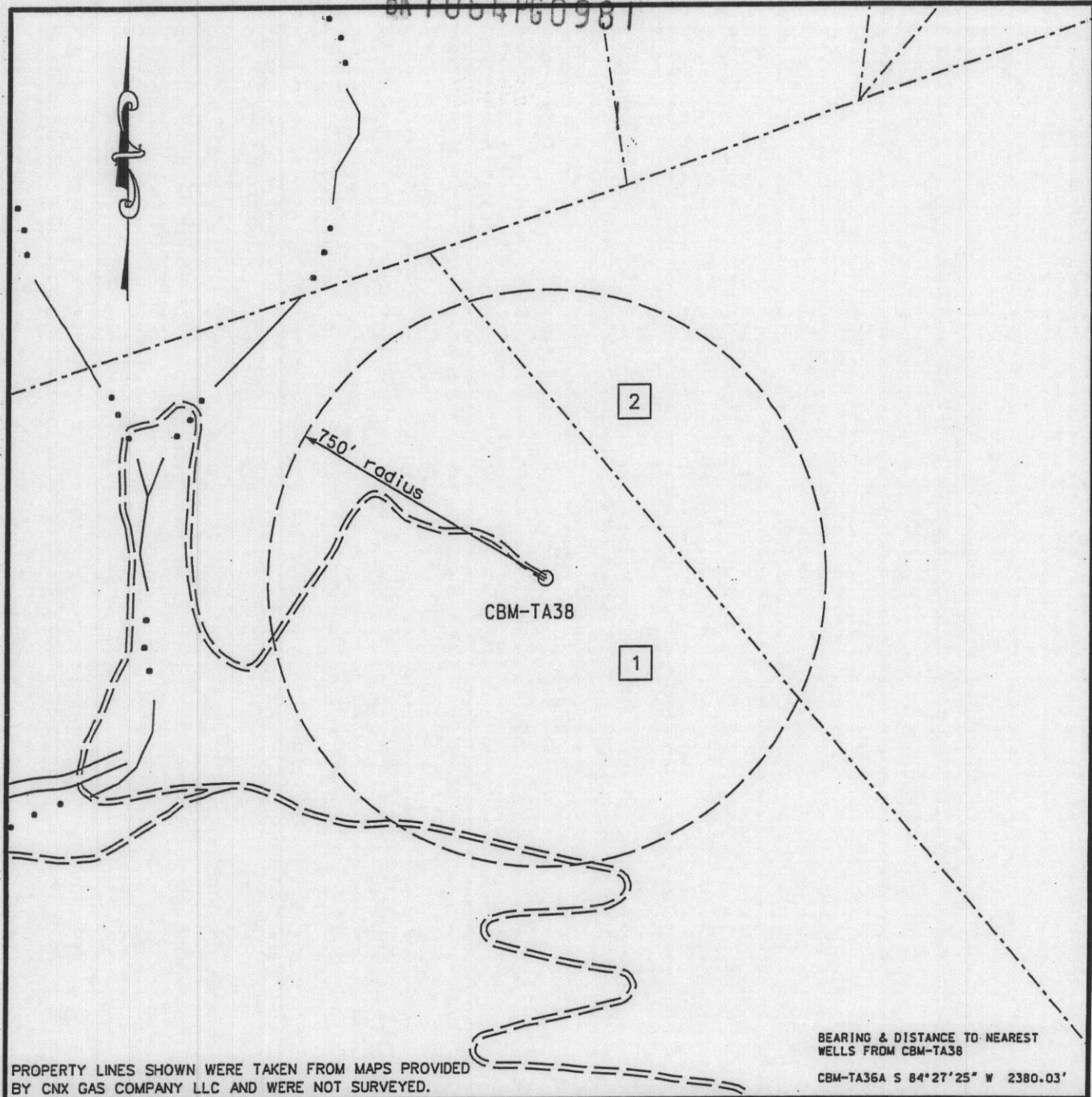
Melissa Cumbow  
Notary

My commission expires: Apr. 19, 2013.





BK1064PG0981



PROPERTY LINES SHOWN WERE TAKEN FROM MAPS PROVIDED BY CNX GAS COMPANY LLC AND WERE NOT SURVEYED.

BEARING & DISTANCE TO NEAREST WELLS FROM CBM-TA38

CBM-TA36A S 84°27'25" W 2380.03'

EXHIBIT A  
STATE WIDE GRACING  
UN-IT-38  
FORCE POOLING  
VOLUME-08-0115-2118

CLAUDE D MORGAN

Company CNX Gas Company LLC Well Name and Number UN-IT-38 0958  
Tract No. \_\_\_\_\_ Elevation \_\_\_\_\_ Quadrangle Amonate  
County Tazewell District Maiden Springs Scale " = 400' Date 7/13/07  
This plat is a new plat X ; an updated plat \_\_\_\_\_ ; or a final plat \_\_\_\_\_

Form DGO-GO-7  
Rev. 9/91

Charles D Morgan (Affix Seal)  
Licensed Professional Engineer or Licensed Land Surveyor

**CNX Gas Company LLC**  
**UNIT TA 38**  
Tract Identifications

1. John M. Bane, Jr. (150 Acre Tract) – All Minerals  
Consolidation Coal Company – Coal below Lower Seaboard seam Leased  
CNX Gas Company LLC – Oil, Gas and CBM Leased  
Johnny L. Smith, et ux – Surface  
(Tax Map 88-A Parcel 5A)  
30.69 acres    75.6470%
  
2. Nancy P. Whitley, et al – All Minerals  
Westbury Coal Mining Company - Coal In Lower and Middle Seaboard Seams Leased  
CNX Gas Company LLC – CBM Leased (56.25%)  
Cabot Oil & Gas Corporation – Oil and Gas Leased (%)  
Mary B. Smith - Surface  
(Tax Map 88-A Parcel 5)  
9.88 acres    24.3530%



Exhibit B-2  
Unit TA-38  
Docket #VGOB 08-0115-2119  
List of Respondents to be Dismissed  
(40.57 Acre Unit)

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	Acres in Unit	Percent of Unit	Reason for Dismissal
<u>Tract #2, 9.88 acres</u>			
<b><u>COAL OWNERSHIP</u></b>			
(1) Nancy P. Whitley, et al.	9.88 acres	24.3530%	
(b) Richard Allen Fisher P.O. Box 175 Tazewell, VA 24651	2.47 acres 1/4 of 9.88 acres	6.0882%	Leased
(c) Jennie Bane 516 Bellhaven Drive Bristol, VA 24201	0.62 acres 1/16 of 9.88 acres	1.5221%	Leased
(d) Clara Elizabeth Conti 516 Bellhaven Drive Bristol, VA 24201	1.24 acres 1/8 of 9.88 acres	3.0441%	Leased
(c) James Bane 6714 Summertime Drive Bristol, VA 24201	0.62 acres 1/16 of 9.88 acres	1.5221%	Leased
<b><u>OIL &amp; GAS OWNERSHIP</u></b>			
(1) Nancy P. Whitley, et al.	9.88 acres	24.3530%	
(b) Richard Allen Fisher P.O. Box 175 Tazewell, VA 24651	2.47 acres 1/4 of 9.88 acres	6.0882%	Leased
(c) Jennie Bane 516 Bellhaven Drive Bristol, VA 24201	0.62 acres 1/16 of 9.88 acres	1.5221%	Leased
(d) Clara Elizabeth Conti 516 Bellhaven Drive Bristol, VA 24201	1.24 acres 1/8 of 9.88 acres	3.0441%	Leased
(e) James Bane 6714 Summertime Drive Bristol, VA 24201	0.62 acres 1/16 of 9.88 acres	1.5221%	Leased

Exhibit B-3  
Unit TA-38  
Docket #VGOB 08-0115-2119  
List of Unleased Owners/Claimants  
(40.57 Acre Unit)

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Acres in Unit	Percent of Unit
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*This unit is 100% Leased and/or has an Agreement in place.*

INSTRUMENT #090004666  
RECORDED IN THE CLERK'S OFFICE OF  
TAEWELL COUNTY ON  
NOVEMBER 4, 2009 AT 01:22PM  
*Angelina Ray.*  
JAMES E. BLEVINS, CLERK  
RECORDED BY: ADR